

Remarks/Arguments

In the Office Action claims 8-11 and 14-20 were rejected under 35 USC § 112, second paragraph, as being indefinite. In particular, the Examiner pointed out that in claims 8, 9 and 15 that there was insufficient antecedent basis for the limitation "said adjacent second friction-lining segment". In claims 8, 9 and 15 the term "adjacent" has been deleted and it is submitted that this amendment overcomes the rejection under 35 USC § 112 as there is a proper antecedent basis for "said second friction-lining segment". The Applicants have attempted to fully respond to the Examiner rejection under 35 USC § 112 and requests that if there are any additional issues concerning the format of the claims that the Examiner contact me in an attempt to resolve any such issues. In view of the amendments to claims 8, 9 and 15 it is submitted that the rejection under 35 USC § 112 has been overcome and the Examiner is requested to withdraw this basis of rejection for the claims.

Claims 1, 2, 6, 7 and 12 were rejected under 35 USC § 102 (b) as being anticipated by Berger reference.

Claims 1 and 12, the two independent claims covered by this rejection, have been amended to recite that the at least one hole provides resiliency to said segmented friction lining to accommodate expansion in the direction of the friction lining due to compression when a load is applied to the friction lining. Support for this amendment to claims 1 and 12 is found on page 4, lines 14-18 and pages 11, line 29 to page 12, line 7 so that no new matter is added by this amendment to the claims.

The Berger reference shows a brake disc with key slots at uniformly spaced intervals on its outer circumference. Metal key slot reinforcing members are secured to the annular disc at each of the key slots. The metal reinforcing members are held in place with rivets. The rivets are positioned in holes that

extend through the brake disc adjacent the outer circumference of the disc. The Berger reference does not disclose or suggest at least one hole in the vicinity of the lock mechanism and/or the counter-mechanism wherein the at least one hole provides resiliency to the segmented friction lining as set forth in Applicants amended claims. There is no disclosure or suggestion in the Berger reference of accommodating expansion by the resiliency provided by the at least one hole to accommodate expansion in the direction of the friction lining due compression when a load is applied to the friction lining as set forth in Applicants claims. Accordingly, the Berger reference does not disclose or suggest the invention defined by Applicants claims and the Examiner is requested to withdraw this basis of rejection for the claims.

Claim 13 was rejected under 35 USC § 103 (a) as being obvious in view of the Berger reference. The Applicants agree with the Examiner's statement that the Berger reference does not teach that the counter-lock mechanism is cut essentially perpendicular to a fiber direction. In addition, it is the Applicants position that the Berger reference does not disclose or suggest at least one hole that provides resiliency to the segmented friction lining to accommodate expansion as set forth in claim 12 which is the independent claim upon which claim 13 depends. Accordingly, the Berger reference does not disclose or suggest the features contained in claim 13 and the Examiner is requested to withdraw this basis of rejection for the claims.

The Applicants would like to thank the Examiner for the indication of Allowance for claims 3 and 5 and the allowability of claims 8-11 and 14-20 if these claims are rewritten to overcome the rejection under 35 USC § 112, second paragraph. It is respectfully submitted that the independent claims, claims 8, 9 and 15 have been amended to overcome the rejection 35 USC § 112 as set forth by the Examiner in the Office Action. Therefore, claims 8-11 and 14-20 have been placed in condition for Allowance by this Amendment. If the Examiner has any

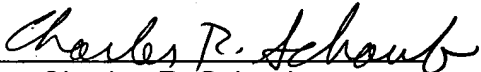
Appl. No. 10/690,381
Amdt. Dated December 21, 2005
Reply to Office Action of October 27, 2005

further issues with regard to claims 8-11 and 14-20 that have not been addressed by this Amendment, I request that the Examiner call me so that these issues can be address in the most efficient manner.

In view of the amendments and arguments set forth in this Amendment it is submitted that the amended claims define patentable subject matter over the references supplied by the Examiner. In addition, the claims that were objected to by the Examiner have been amended to place these claims in condition for Allowance. Accordingly, a favorable action on the claims is respectfully requested.

Respectfully submitted,

EMCH, SCHAFFER, SCHAUB
& PORCELLO CO., L.P.A.

By: 
Charles R. Schaub
Reg. No. 27,518
Tel.: (419) 243-1294

CRS/jle